

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER JAY SANCHEZ,

Plaintiff,

v.

HAROLD CLARKE, *et al*,

Defendants.

Case No. C05-5486FDB

ORDER

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has been granted *in forma pauperis* status in this case. See Order Granting Application to Proceed *In Forma Pauperis*, dated the same date herewith. This matter comes before the court on plaintiff's filing of a motion for leave to file supplemental brief. (Dkt. #5).

In his motion, plaintiff requests leave to file a supplemental brief detailing certain alleged ongoing misconduct by defendants. However, briefing by the parties, supplemental or otherwise, is not appropriate at this stage of the proceedings. Accordingly, plaintiff's motion for leave to file supplemental brief (Dkt. #5) is DENIED.

On the other hand, pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served."

1 Otherwise, the party "may amend the party's pleading only by leave of court or by written consent of the  
2 adverse party." Id.

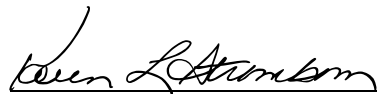
3 Here, defendants have not yet been served with plaintiff's complaint. Thus, if plaintiff desires to  
4 amend his complaint, he may do so at this time without leave of the court. Plaintiff must do so, however,  
5 by filing an amended complaint by no later than **September 30, 2005**, along with the appropriate number  
6 of service forms and copies of any such amended complaint for service.

7 Plaintiff is advised that an amended pleading operates as a *complete* substitute for an original  
8 pleading. See Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9<sup>th</sup> Cir. 1992) (citing Hal Roach Studios, Inc. v.  
9 Richard Feiner & Co., 896 F.2d 1542, 1546 (9<sup>th</sup> Cir. 1990) (as amended), *cert. denied*, 506 U.S. 915  
10 (1992). Thus, if plaintiff chooses to file an amended complaint, the court will not consider his original  
11 complaint.

12 If plaintiff chooses not to file an amended complaint, plaintiff shall file with the court **nineteen (19)**  
13 service forms for his original complaint by **no later than September 30, 2005**, so the court can attempt  
14 service of that complaint by mail. **Failure to file either an amended complaint as directed above or**  
15 **service forms for the original complaint by the above date shall be deemed a failure to prosecute,**  
16 **and the undersigned will recommend dismissal of this matter.**

17 The clerk is directed to send a copy of this Order to plaintiff.

18 DATED this 30th day of August, 2005.

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22 Karen L. Strombom  
23 United States Magistrate Judge  
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